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Letter dated 10 January 2018 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a non-paper, compiled by the delegation of the United States, containing an assessment of the positions of the Russian Federation regarding the use of chemical weapons in Syria. It is the hope of the United States delegation that this non-paper will serve as a reference in continued discussions in the Council on chemical weapons use in Syria.

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Nikki R. **Haley**

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Annex to the letter dated 10 January 2018 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

Assessment of the positions of the Russian Federation regarding the use of chemical weapons in Syria

The Russian Federation has criticized the work of the Organization for the Prohibition of Chemical Weapons (OPCW) Fact-Finding Missions (FFM) and the OPCW-United Nations Joint Investigative Mechanism (JIM), calling into question the impartiality and credibility of their respective investigations and the professionalism of their staffs. These Russian arguments are misleading, unprofessional, inconsistent and, at times, completely false. They appear to represent an intentional effort to sow confusion and to protect the Assad regime's continued use of chemical weapons. It is revealing to analyse some of these Russian allegations more closely:

Russian allegation No. 1: *The sarin used in Syria came from Iraq. Sarin used in Syria could have come from old Gaddafi stockpiles in Libya.* (Statements by the Russian Foreign Ministry Director for Non-Proliferation and Arms Control, Mikhail Ulyanov, in TASS on 26 April 2017)

- Not possible. Russia has provided no evidence to support this claim. Libya gave up producing sarin after its first attempts in the 1980s. Iraq's residual sarin munitions are entombed in a bunker and the last time they were tested — 15 years ago — they contained no more than 10 to 15 per cent sarin. Moreover, Syria used hexamine as a stabilizer in its sarin — a fact supported by OPCW samples collected in 2014 from the stockpile belonging to Syria. Neither Libya nor Iraq used hexamine to produce sarin.

Russian allegation No. 2: *Westerners ruled out the option of visiting the airbase ... and Khan Shaykhun.* (Comment by the Information and Press Department of the Russian Foreign Ministry to the OPCW on 30 May 2017, and statements by Mikhail Ulyanov in TASS on 26 September 2017)

- Misleading. Following the attack of 4 April, the OPCW, in consultation with the United Nations Department of Safety and Security, explored all possibilities to visit the attack site. When the Assad regime denied immediate access, the OPCW Director General determined that the security risks associated with the deployment to Khan Shaykhun outweighed any additional corroboration of the facts or evidence that could be obtained. Instead, the FFM used the methodology of interviewing witnesses at a safe location, as it had since June 2014.

- In addition, the Syrian regime took samples it claimed were from Khan Shaykhun and provided them to the OPCW for analysis. Syria's own samples confirmed the presence of sarin and match the samples that the OPCW collected in 2014 from the stockpile belonging to the Assad regime. These samples further diminished any benefit the FFM could gain from visiting the site.

- Though the FFM did not investigate Al-Shayrat airfield because it was not directly relevant to the issue of confirming whether chemical weapons use took place, the JIM did visit the Al-Shayrat airbase as part of its investigation, once this was allowed by the Assad regime.

Russian allegation No. 3: *Chain of custody for sampling was not followed. There was a reliance on witnesses linked to the opposition of the Assad regime.* (Comment by the Information and Press Department of the Russian Foreign Ministry to the OPCW on 30 May 2017. Russian summary of Russian arguments in favour of

introducing a new Security Council resolution on JIM mandate renewal, 3 November 2017)

- False and misleading. As for potential witness bias, the JIM did not obscure the fact that Khan Shaykhun has been under opposition control since 2014, but its conclusions did not rest on witness testimony alone. Chain of custody procedures were consistent with OPCW practice and the procedures used in previous investigations. Specimens from autopsies were taken in the presence of the FFM team and remained in FFM custody until transfer to the OPCW laboratory personnel. Blood and other specimen samples from living victims were taken using equipment and vials provided by the FFM. The samples were split between two separate OPCW-certified, designated laboratories to perform independent analyses. The FFM and JIM also collected and independently verified photographs, video footage, witness testimony, overhead imagery and expert analysis.

Russian allegation No. 4: *Claims of sarin use are baseless.* (Statements by Russian Defense Ministry, Foreign Ministry and Ministry of Industry and Trade at press conference in Sputnik on 2 November 2017)

- False. Though the Russian Federation makes these comments to the press, at the Security Council and at the OPCW, Russia has not disputed the presence of sarin. In addition, the Syrian regime provided the OPCW its own samples, which it claims came from Khan Shaykhun. These samples tested positive for sarin or a sarin-like substance that was composed of methylphosphonic difluoride, which contained marker chemicals unique to Syria's binary sarin, and match the samples that the OPCW collected in 2014 from the stockpile belonging to the Assad regime. Binary sarin suggests a higher competence and sophistication in production, pointing to chemical plant production.

Russian allegation No. 5: *The FFM and JIM are not composed of geographically representative experts.* (Russian summary of Russian arguments in favour of introducing a new Security Council resolution on JIM mandate renewal, 3 November 2017)

- False. The members of the FFM teams are selected by the OPCW Director General from a pool of qualified and specially trained inspectors who are at the disposal of the OPCW. The inspectors appointed fulfil the prerequisite of broad geographical distribution; all regional groups are represented. The JIM was also composed of experts from geographically diverse backgrounds, from many continents.

Russian allegation No. 6: *The event was staged. Terrorists detonated a sarin bomb on the ground, the Syrian Su-22 aircraft in the air were not close enough to have dropped bombs on Khan Shaykhun, and the injured arrived in hospitals with symptoms before the attack occurred.* (Statements by Mikhail Ulyanov in TASS on 26 September 2017. Russian additional assessment of the OPCW-United Nations Joint Investigative Mechanism seventh report on 9 November 2017.)

- False and misleading. Edmond Mulet, Head of the JIM, told the Security Council on 7 November 2017 that the JIM did not receive a single piece of evidence to support the claims that the Khan Shaykhun attack was staged. Russia and Syria had nearly six months to pass relevant information supporting their claims to the JIM.

- The JIM consulted experts from three independent, internationally recognized institutes about the crater left by the attack, and all three said that there was no evidence to support the theory that the crater was created by an explosive charge placed on the ground, as the Russians assert. Instead, experts concluded that the

characteristics of the crater are likely to have been caused by an aerial bomb with a small explosive charge, and that it probably contained liquid. According to the JIM munition analysis, there was a filler cap from a chemical munition and a deformed piece of metal protruding from deep within the crater, which is uniquely consistent with Syrian chemical aerial bombs.

- The Russians repeatedly state that the Syrian aircraft would not be technically capable of bombing Khan Shaykhun if the Syrian aircraft was more than 5 kilometres (km) away from Khan Shaykhun at the time of the attack. No one, however, has disputed this point. Indeed, the JIM report states that the Syrian aircraft were "in the immediate vicinity" or "within 5 km" of Khan Shaykhun, which the experts it consulted said was within range to conduct an airstrike on the town.

- Finally, the Russian Federation draws attention to the fact that sarin injuries were reported at hospitals near Khan Skaykhun prior to 4 April 2017. As noted by the JIM and reported by the FFM, sarin was more than likely also used as a chemical weapon nearby on 30 March 2017, in the south of al Latamenah, Syria. This chemical weapon attack explains earlier reporting of sarin injuries.

Russian allegation No. 7: *"Moscow believes that it makes no sense for Damascus to use chemical weapons as only the opposition could benefit from it."* (Statement by Russian Defense Ministry, Foreign Ministry and Ministry of Industry and Trade at press conference in Sputnik on 2 November 2017)

- False. The Syrian regime's repeated use of chemical weapons shows a pattern, illustrating it uses chemical weapons to obtain military aims that are otherwise proving difficult to achieve through conventional force. We believe the attack against Khan Shaykhun was launched in response to an opposition offensive in northern Hamah Province that threatened the Assad regime's infrastructure, including a key military airfield.